

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-23, 25-30 and 32-34 were pending and rejected. In this response, claims 2, 11, 22, and 29 have been canceled without prejudice. Claims 1, 3, 10, 12 and 19-20 have been amended. Thus, claims 1, 3-10, 12-21, 23, 25-28, 30, and 32-34 remain pending. No new matter has been added.

Claims 1-23, 25-30 and 32-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0047517 to Christopoulos, et al. (“Christopoulos”) in view of ISO/IEC JTC 1/SC 29/WG 1 N1646 (“JPEG 2000 IMAGE CODING SYSTEM”, ISO/IEC JTC 1/SC 29WG 1, JPEG 2000, 16 March 2000, (hereafter referred to as N1646).

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed by Christopoulos and N1646, individually or in combination. Specifically, for example, independent claim 1 includes a progression order conversion parser to convert a codestream from one progression order to another progression order based on information derived from one or more markers embedded within the codestream, where the markers also indicate how data of the codestream should be handled during the progression order conversion.

The progression order is converted from a first progression order to an intermediate progression order and then from the intermediate progression order to a target progression order. The intermediate progression order is a layer progression order and the target progression order is a progression order other than a layer progression order. Thereafter, the markers are updated according to the target progression order. It is respectfully submitted that the above limitations are absent from Christopoulos and N1646.

Although Christopoulos and N1646 disclose converting progression order according to the JPEG 2000 standard, the cited references fail to disclose converting a first progression order to an intermediate order and then from the intermediate order to a target order, where intermediate progression order is a layer progression order and the target progression order is a progression order other than a layer progression order.

The Office Action contended that since the data is routed from a first network element to a second network element via an intermediate network element, the progression order is changed from a first order to a second order via an intermediate order, and the intermediate order could be a layer progression order (see 4/13/2007 Office Action, pages 8-9). Applicant respectfully disagrees.

Although data packets may be routed from one network element to another network element in an out-of-order manner, the progression order (e.g., JPEG 2000 compatible progression order, instead of the order of data packets) of a codestream is not necessarily changed, particularly, from a first order to an intermediate order which is a layer progression order and then from the intermediate order to a target order other than a layer progression order.

In addition, the present invention as claimed as illustrated in claim 1 clearly recites the same parser to convert a codestream from a first progression order to an intermediate progression order which is a layer progression order and then from the intermediate progression order to a target progression order. Thus, there cannot be multiple network elements involved to convert the codestream from a first progression order to an intermediate progression order which is a layer progression order and then from the intermediate progression order to a target progression order.

Furthermore, the Office Action's interpretation cannot be found anywhere within the cited references. It would be impermissible hindsight to use Applicant's disclosure against the Applicant.

Therefore, in view of the foregoing remarks, it is respectfully submitted that independent claim 1 as amended is patentable over the cited references. Similarly, independent claims 10 and 19-20 as amended include limitations similar to those recited in claim 1. Thus, for the reasons similar to those set forth above, claims 10 and 19-20 are patentable over Christopoulos and N1646.

Given that the rest of the claims depend from one of the above independent claims, it is respectfully submitted that the rest of the claims are also patentable over Christopoulos and N1646. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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/Kevin G. Shao/
Kevin G. Shao
Attorney for Applicant
Reg. No. 45,095
Kevin_Shao@bstz.com

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300